

Atty. Dkt. No. 100202945-1

REMARKS

This Reply is in response to the Office Action mailed on December 14, 2005.

Applicants request reconsideration and allowance of the present application in view of the following.

I. Claim Rejections under 35 USC § 102

Claims 1, 5-7, 9, 10, 12, 14, 17, and 29-31 stand rejected as anticipated by Edwards (U.S. Patent No. 6,266,871). Applicants respectfully traverse these rejections.

Claim 1 is cancelled thus rendering moot the rejection thereof.

Applicants are re-writing claim 5 in independent form and submits that claim 5 is not anticipated by Edwards because Tanimoto does not disclose a "a drive for powering the actuation mechanism, wherein the drive comprises a single motor" as recited in claim 1. Paragraph 3 of the Office Action makes reference to "motor 64." The motor 64 of Edwards, however, is not "for powering the actuation mechanism" as required by claim 5. Rather, Edwards discloses "The tape is fed into tape guides 60 from a tape reel 63 and is indexed through the tape guides by indexing means 64 which incorporates a programmable motor." (Col. 5, lines 16-18). Hence, the Edwards means 64 is for indexing tape through tape guides and not "for powering the actuation mechanism" as required by claim 5. Consequently, Applicants submit that claim 5 is not anticipated by Edwards. Withdrawal of this rejection is requested.

Claims 6 and 7 depend upon claim 5 and are allowable for at least the same reasons as claim 5 is allowable. These claims also recite additional features not shown by Edwards. For example, Applicants submit that Edwards does not disclose

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the "compliant biasing device" as recited in claim 7. Withdrawal of these rejections is requested.

Applicants submit that claim 9 is not anticipated by Edwards on the basis that Edwards does not disclose "a motor for actuating both the transporter and the closing mechanism" as recited in claim 9. Again, paragraph 3 of the Office Action makes reference to "motor 64." The motor 64 of Edwards, however, is not "for actuating both the transporter and the closing mechanism" as required by claim 9. Rather, Edwards discloses "The tape is fed into tape guides 60 from a tape reel 63 and is indexed through the tape guides by indexing means 64 which incorporates a programmable motor." (Col. 5, lines 16-18). Hence, the Edwards means 64 is for indexing tape through tape guides and not "for actuating both the transporter and the closing mechanism" as required by claim 9. Consequently, Applicants submit that claim 9 is not anticipated by Edwards. Withdrawal of this rejection is requested.

Claims 10, 12, 14, and 17 depend upon claim 9 and are allowable for at least the same reasons as claim 9 is allowable. Withdrawal of the rejections of these claims is requested.

Claims 29-31 are cancelled, thus rendering moot the rejections thereof.

II. Claim rejections under 35 USC § 103

A. Claims 21-24

Claims 21-24 stand rejected as unpatentable over AAPA in view of Edwards. Applicants respectfully traverse.

Applicants submit that the Office Action does not provide a *prima facie* case of obviousness of claim 21 because, even when combined, AAPA and Edwards fail to teach or suggest all of the elements of claim 21. Indeed, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or

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suggested by the prior art. MPEP 2143.03 (All claim limitations must be taught or suggested).

Here, neither AAPA nor Edwards disclose "using a single motor to accomplish at least the moving of the media, the clinching, and the moving of the guide." As mentioned above, with respect to the indexing means 64 of Edwards, Edwards merely discloses that "The tape is fed into tape guides 60 from a tape reel 63 and is indexed through the tape guides by indexing means 64 which incorporates a programmable motor." (Col. 5, lines 16-18). Edwards does not disclose any other functionality of the indexing means 64. As such, the indexing means 64 of Edwards is not used for "the moving of the media, the clinching, and the moving of the guide" as recited in claim 21. As such, because the cited references do not disclose all of the limitations of claim 21, Applicants submit that the Office Action does not establish *prima facie* obviousness of claim 21. Withdrawal of this rejection is requested.

Claims 22-24 depend upon claim 21 and are allowable for at least the same reasons as claim 21 is allowable. Withdrawal of these rejections is requested.

B. Claims 8 and 11

Claims 8 and 11 stand rejected as being unpatentable over Edwards. Applicants submit that claim 8 depends upon claim 5, which is allowable for the reasons set forth above. Applicants further submit that claim 11 depends upon claim 10, which is allowable for the reasons set forth above. Withdrawal of these rejections is therefore requested.

III. Allowable Subject Matter

Claims 2-4, 13, 15, 16, and 25 were objected to as being dependent upon a rejected base claim.

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Applicants are rewriting claim 2 in independent form. Claims 3 and 4 depend upon claim 2. Consequently, Applicants submit that the objections to these claims are overcome.

Claims 13, 15, and 16 depend upon claim 9, which is allowable for the reasons set forth above. As such, Applicants submit that the objections to these claims are overcome.

Claim 25 depends upon claim 21, which is allowable for the reasons set forth above. Hence, Applicants submit that the objection to claim 25 is overcome.

IV. Claims 18-20

The Office Action Summary lists claims 18 and 20 as rejected. The Office Action fails to provide any statutory basis for the rejection of claims 18 and 20. As such, Applicants request allowance of claims 18 and 20.

The Office Action Summary also lists claim 19 as objected to. The Office Action fails, however, to provide or identify any objection to claim 19. As such, Applicants request allowance of claim 19.

To the extent the next Office Action includes a basis for rejecting claims 18 and/or 20 for the first time, Applicants request that the next Office Action be non-final. Similarly, to the extent the next Office Action includes a basis for objecting to claim 19 for the first time, Applicants request that the next Office Action be non-final.

V. Conclusion

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 08-2025. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated,

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otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 08-2025. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 08-2025.

Respectfully submitted,

Date

23 Feb 2006

Hewlett-Packard Company
P.O. Box 272400 M/S 35
Fort Collins CO 80527-2400

By

Robert D. Wasson

Robert D. Wasson
Registration No. 40,218
Telephone: 360-212-2338